

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

GM CASTING HOUSE INC.

Plaintiff,

v.

FOREVER COMPANIES, INC.

Defendant.

) Case No. 1:24-cv-01821

)

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) **DECLARATION OF HOWARD A.**

) **KROLL SETTING FORTH**

) **PLAINTIFF'S ATTORNEYS' FEES**

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I, Howard A. Kroll, pursuant to 28 U.S.C. § 1746, declare:

1. I am a partner with the law firm of Tucker Ellis LLP, and I represent Plaintiff GM Casting House Inc. ("GM") in this action. I submit this declaration setting forth GM's attorneys' fees related to this action against Defendant Forever Companies, Inc. d/b/a Diamond Nexus ("Diamond Nexus"). The statements made in this declaration are based on my own personal knowledge and, if sworn as a witness, I could testify competently to these statements.

2. GM incurred \$128,691.50 in attorneys' fees during the course of this action. Each timekeeper kept daily electronic records of his or her time in tenth of an hour increments, and all fees were billed on a monthly basis. All hours billed were reviewed to ensure that they were not excessive, redundant, or otherwise unnecessary, and to ensure that the tasks performed by each timekeeper were commensurate with their experience and seniority.

3. In addition to me, work on this case was performed by Nathan Newman (partner), William Stavole (partner), Helena M. Guye (associate), Martin J. Yi (associate), Emily Evans (associate), and Charlotte Godart (summer associate) for evaluating, investigating, and drafting the complaint; corresponding with Diamond Nexus's counsel and GM regarding this case (including as required under the Federal Rules); drafting initial disclosures; drafting status reports; drafting and serving discovery; settlement discussions, including participation in a settlement conference; evaluating Diamond Nexus's financial condition; moving to compel responses to GM's discovery requests; analyzing counsel for Diamond Nexus's motions to withdraw;

communicating with Diamond Nexus regarding the default; and drafting the proposed judgment order regarding the entry of default.

4. I graduated from the University of Southern California Gould School of Law in 1981. I have been practicing law for 44 years and for over 30 years in Intellectual Property litigation and enforcement. I have been recognized in the World Trademark Review's *WTR 1000 – the World's Leading Trademark Professionals* as a Silver-band attorney in California in infringement matters. In this case, I billed as follows:

- a. 2024: 51.6 hours at a rate of \$1000 per hour.
- b. 2025: 6.1 hours at a rate of \$1000 per hour.

5. Mr. Newman, a partner, graduated from Pepperdine University School of Law in 2003. He has been practicing law for 22 years. He billed as follows:

- a. 2024: 3.1 hours at a rate of \$680 per hour.
- b. 2025: 0.2 hours at a rate of \$750 per hour

6. Mr. Stavole, a partner, graduated from The Ohio State University College of Law in 1988. He has been practicing law for 37 years. He billed as follows:

- a. 2024: 2.3 hours at a rate of \$700 per hour.

7. According to the *AIPLA 2023 Report of the Economic Survey*, which is published by the American Intellectual Property Law Association, the 75th percentile rate charged in 2022 by partners in Los Angeles was \$785. Relevant portions of the *AIPLA 2023 Report of the Economic Survey* are attached as Exhibit 1. Adjusting for inflation, the rate I charge and the rate charged by the other two partners in this matter are within a reasonable range of attorneys with a similar degree of expertise. My fees and the fees of Mr. Stavole and Mr. Newman are therefore reasonable.

8. Ms. Guye, an associate, graduated from the University of Missouri School of Law in 2020. She has been practicing intellectual property law for over 5 years. She billed as follows:

- a. 2024: 114.2 hours at a rate of \$400 per hour.
- b. 2025: 20.4 hours at a rate of \$440 per hour.

9. According to the *AIPLA 2023 Report of the Economic Survey*, which is published by the American Intellectual Property Law Association, the average rate charged in 2022 by attorneys with 5-6 years of experience was \$514. Ms. Guye's rate is well below this average, and thus her fees are reasonable.

10. Mr. Yi, an associate, graduated from the University of Southern California Gould School of Law in 2023. He billed as follows:

a. 2024: 15.5 hours at a rate of \$300 per hour.

11. Ms. Evans, an associate, graduated from the University of California, Los Angeles School of Law in 2024. She has been practicing intellectual property law for 4 months. She billed as follows:

a. 2025: 10.5 hours at a rate of \$300 per hour.

12. Ms. Godart, a summer associate, is a law student at the University of California, Los Angeles School of Law. She billed as follows:

a. 2024: 16.3 hours at a rate of \$225 per hour.

13. The 2022 average rate for partner-track attorneys with fewer than 5 years of experience was \$373. *See* Exhibit 2. Even before adjusting for inflation, the rates charged by Mr. Yi, Ms. Evans, and Ms. Godart in this action are below market rates, and thus their fees are reasonable.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration is executed on April 4, 2025 in Los Angeles, California.

By: /s/ Howard A. Kroll
Howard A. Kroll